

Atty Docket No.: R0067D DIV
USSN: 10/685,124

REMARKS

Claims 42, 44, 46-55 and 57 are pending in this application. Claims 42, 54 and 57 are amended herein. Claims 43, 45, 56, 58 and 59 are canceled by this Amendment. Claims 42, 44, 46-55 and 57 are fully supported by Applicants' disclosure and introduce no new matter.

1. Allowable Subject Matter

Claims 43, 45-48, 50 and 52 were objected to as being dependent upon a rejected base claim, but were indicated by the Examiner as being allowable if re-written in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants have amended base claim 42 to include the limitations of its dependent claim 43, thus placing claim 43 in independent form. Claims 43 and 45 are redundant in view of the amendment to claim 42 and have been canceled. Claim 54 has been amended to change its dependency from canceled claim 43 to base claim 42.

2. Claim Rejections Under 35 USC §112, First Paragraph

Claims 56-59 were rejected under 35 USC §112, First Paragraph. The Examiner stated that the specification, while being enabling for treatment of detrusor instability, does not reasonably provide enablement for all other treatments embraced by the claims.

The Applicants have canceled claims 56, 58 and 59, and have amended claim 57 to expressly recite "A method for treating a subject suffering from detrusor hyperactivity ...". Applicants believe that claim 57 as amended meets the requirements of 35 USC §112, First Paragraph.

3. Claim Rejections Under 35 USC §103

Claims 42, 44, 49, 53, 55 and 56 were rejected under 35 USC §103 as being unpatentable over Singh et al., CAPLUS Abstract 86:29756. The Examiner stated that Applicants's claims differed from Singh et al. by a single methylene group and are structural homologs.

Applicants believe that, in view of the amendment to claim 42 discussed above, that claims 42, 44, 49, 53, 55 and 56 are now patentable over Singh et al.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully believe that claims 42, 44, 56-55 and 57 are now in condition for allowance. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

No fees should be due. In the event that it is found that any fee is due, please charge the same to Deposit Account 18-1700.

Respectfully submitted,



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January 10, 2006